

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
-against-	:	24 Cr. 153 (LGS)
	:	
JOHN ARTHUR HANRATTY,	:	<u>ORDER</u>
Defendant.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, Defendant filed a motion seeking to dismiss the Indictment and seeking other relief. The motion has been deemed to apply to the Superseding Indictment.

WHEREAS, the Government in its memorandum of law in opposition to the motion made various factual assertions about its investigation. The Government did not file any evidentiary support for these assertions, such as a sworn declaration or affidavit that attests to the facts, or that attaches documents sworn to be authentic showing the facts.

WHEREAS, the Court will not consider any unsworn factual assertions, except those of which the Court is entitled to take judicial notice or otherwise accept. It is hereby

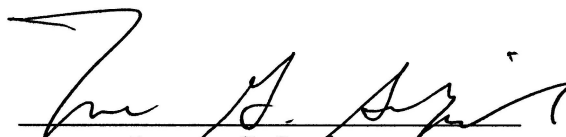
ORDERED that, by **October 30, 2024**, the Government shall file either (1) a sworn statement by a person with knowledge (or multiple sworn statements if necessary for personal knowledge) stating any fact or attaching documents sworn to be authentic that the Government would like to proffer in support of its opposition to Defendant's motion or (2) a letter declining to file any such sworn statement. For any factual assertion that the Government believes requires no evidentiary basis, the Government shall cite the legal authority supporting that belief. It is further

ORDERED that by **October 30, 2024**, the Government may file a sur-reply letter brief addressing the burden of proof applicable to Defendant's motion to dismiss the Indictment, including in response to Defendant's reply memorandum at pages 42 and 44. Specifically, the

Government may address who needs to show what as to each of the following three issues (1) state action, (2) whether Defendant's information was compelled and (3) assuming that Defendant's information was compelled by the Government, whether the Indictment was procured with any such information. It is further

ORDERED that, by **November 5, 2024**, Defendant may respond to any new statements or arguments by the Government to which Defendant previously has not had an opportunity to respond.

Dated: October 25, 2024
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE